



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant :CUNNINGHAM, Ian M.
Serial No. :09/749,758
Filed :December 28, 2000
Title :BANDWIDTH ALLOCATION IN ETHERNET
NETWORKS
Date Allowed :December 29, 2004
Examiner :Krisna Lim
Art Unit :2153

KIRBY EADES GALE BAKER,
Box 3432, Stn. D,
Ottawa, Ontario.
Canada K1P 6N9

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America

Dear Sir:

Please find attached hereto for filing are the following documents:

1. Petition for Consideration Under 37 C.F.R. §1.181(a)(3)
2. Date stamped filing receipt dated June 30, 2003 (Copy)
3. Supplemental Information Disclosure Statement filed on June 30, 2003 (Copy)
4. Forms PTO-1449 filed on December 28, 2000 and June 30, 2003 (Copies).

A duplicate copy of this letter is enclosed.

Respectfully submitted,

Shannon L. Beech
Reg No. 53,924
Tel (613) 237-6900
Our File No. 1002
January 20, 2005

BEST AVAILABLE COPY



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant :CUNNINGHAM, Ian M.
Serial No. :09/749,758
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Title :BANDWIDTH ALLOCATION IN ETHERNET
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Box 3432, Stn. D,
Ottawa, Ontario.
Canada K1P 6N9

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America

Dear Sir:

PETITION FOR CONSIDERATION UNDER 37 C.F.R. §1.181(a)(3)

This is a Petition pursuant to 37 CFR §1.181(a)(3) requesting that the Examiner be instructed by the Commissioner or his representative to notify Applicant of proper consideration of the Information Disclosure Statement (IDS) that was filed on December 28, 2000 and a Supplemental Information Disclosure Statement that was filed on June 30, 2003.

STATEMENT OF FACTS

On December 28, 2000, Applicant filed the above-noted IDS under 37 CFR 1.97(b), which filing is clearly documented by the attached copy of the associated date-stamped Mail Room receipt and copies of the IDS papers including the Form PTO-1449.

On June 30, 2003 Applicant filed the above-noted Supplemental Information Disclosure Statement under 37 CFR 1.97(e), which filing is clearly documented by the attached copy of the associated date-stamped Mail Room receipt and copies of the IDS papers including the Form PTO-1449. The PTO has not responded to this Supplemental IDS filing by supplying Applicant with a copy of the Form PTO-1449 filed on June 30, 2003 that has been properly initialed by the Examiner, in clear violation of the rules.

POINT FOR REVIEW

The point for review is why Applicants have not been provided a copy of the above-noted Form PTO-1449 filed on June 30, 2003, properly initialed by the Examiner in compliance with the rules.

ACTION REQUESTED

In light of the above, it is respectfully requested that the Examiner be directed to provide a copy of the above-noted Form PTO 1449 filed on June 30, 2003, properly initialed by the Examiner in compliance with the rules.

Respectfully submitted,



Shannon L. Beech
Reg No. 53,924
Tel (613) 237-6900
Our File No. 1002
January 20, 2005



COPY

"PATENT APPLICATION"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

CUNNINGHAM, Ian M.

U.S. Serial No.: 09/749,758

Group Art Unit: 2152

Filed: December 28, 2000

Title: BANDWIDTH ALLOCATION IN ETHERNET NETWORKS

RECEIVED

JUN 30 2003

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 United States of America

Technology Center 2100

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted under 37 CFR 1.97(e):

- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- Copies of the cited references are enclosed.
- The listed references were cited in the enclosed European Search Report in a counterpart foreign application.

It is requested that the information disclosed herein be made of record in this application.

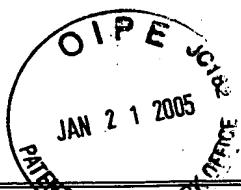
Respectfully submitted,

CUNNINGHAM, Ian M.

By: Kimberley Lachaine
 Kimberley Lachaine
 Registration No. 33,319

Kirby Eades Gale Baker
 Box 3432, Stn. D
 Ottawa, Ontario
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June 26, 2003



Form PTO-144 (Rev. 7-80)	Department of Commerce Patent & Trademark Office	ATTY.DOCKET NO. 1002	SERIAL NO. 09/749,758
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT CUNNINGHAM, Ian M.	
SUPPLEMENTAL		FILING DATE: December 28, 2000	GROUP ART UNIT: 2152

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

Martin Gitsels et al. "NetRAP – A Network Resource Allocation Protocol for IP over Ethernet", Computer Communications and Networks, 1997, IEEE September 22, 1997, pages 434-441.

Examiner	Date considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	<p>WO 99 53719 A (WARPSPEED COMMUNICATIONS) 21 October 1999 (1999-10-21)</p> <p>* page 2, line 21 – line 35 *</p> <p>* page 3, line 30 – page 4, line 18 *</p> <p>* page 4, line 24 – line 32 *</p> <p>* page 5, line 35 – page 6, line 9 *</p> <p>* page 6, line 32 – page 7, line 14 *</p> <p>* page 7, line 21 – page 8, line 6 *</p> <p>* figures 1,3 *</p> <p>---</p>	1-12	H04L12/56 H04L12/413
Y	<p>US 5 884 037 A (ARAS CAGLAN MEHMET ET AL) 16 March 1999 (1999-03-16)</p> <p>* abstract *</p> <p>* figures 4,14 *</p> <p>---</p>	1-12	
Y	<p>US 6 041 359 A (BIRDWELL KENNETH J) 21 March 2000 (2000-03-21)</p> <p>* abstract *</p> <p>* figures 2-4 *</p> <p>---</p>	1-12	
A	<p>GITSELS M ET AL: "NetRAP-a network resource allocation protocol for IP over Ethernet" COMPUTER COMMUNICATIONS AND NETWORKS, 1997. PROCEEDINGS., SIXTH INTERNATIONAL CONFERENCE ON LAS VEGAS, NV, USA 22-25 SEPT. 1997, LOS ALAMITOS, CA, USA, IEEE COMPUT. SOC, US,</p> <p>22 September 1997 (1997-09-22), pages 434-441, XP010245784</p> <p>ISBN: 0-8186-8186-1</p> <p>* chapters 1, 2 *</p> <p>---</p>	1,4,7,10	<p>TECHNICAL FIELDS SEARCHED (Int.Cl.7)</p> <p>H04L H04Q</p>
A	<p>EP 0 886 455 A (UNIV PARIS CURIE) 23 December 1998 (1998-12-23)</p> <p>* abstract; figure 2 *</p> <p>-----</p>	1,4,7,10	
3	The present search report has been drawn up for all claims		
Place of search		Date of completion of the search	Examiner
MUNICH		1 April 2003	Bertsch, A
CATEGORY OF CITED DOCUMENTS			
<p>X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background O: non-written disclosure P: intermediate document</p> <p>T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons & : member of the same patent family, corresponding document</p>			

ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.

EP 01 31 0540

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

01-04-2003

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 9953719	A	21-10-1999	AU CA EP JP WO	3552199 A 2328458 A1 1070436 A1 2002511726 T 9953719 A1	01-11-1999 21-10-1999 24-01-2001 16-04-2002 21-10-1999	
US 5884037	A	16-03-1999		NONE		
US 6041359	A	21-03-2000		NONE		
EP 0886455	A	23-12-1998	FR EP US	2765057 A1 0886455 A1 6356565 B1	24-12-1998 23-12-1998 12-03-2002	

1002



COPY

"PATENT APPLICATION"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

CUNNINGHAM, Ian M.

U.S. Serial No.: **unknown**

Group Art Unit: **unknown**

Filed: **December 28, 2000**

Title: **BANDWIDTH ALLOCATION IN ETHERNET NETWORKS**

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b)

(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last).

Enclosed herewith is form PTO-1449:

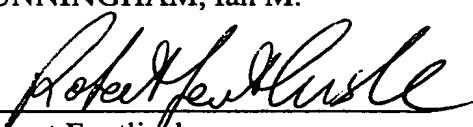
- copies of cited references are enclosed.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

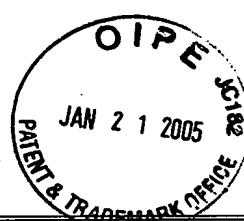
CUNNINGHAM, Ian M.

By:


Robert Feutlinske
Registration No. 37,994

Kirby Eades Gale Baker
Box 3432, Stn. D
Ottawa, Ontario
Canada K1P 6N9
Tel. (613) 237-6900

December 27, 2000



Form PTO-1449 (Rev.7-80)	U.S. Department of Commerce Patent & Trademark Office	ATTY.DOCKET NO. 1002	SERIAL NO. unknown
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT CUNNINGHAM, Ian M.	
		FILING DATE: December 28, 2000	GROUP ART UNIT: unknown

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
	AA	5,581,703	12/03/1996	Baugher et al.			
	AB	5,701,465	12/23/1997	Baugher et al.			
	AC	6,041,359	03/21/2000	Birdwell			
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
	AO						
	AP						

FOREIGN PATENT DOCUMENTS

	Document number	Date	Country	Class	Subclass	Translation
AQ						
AR						
AS						
AT						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	
AV	

Examiner	Date considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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